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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,842	01/26/2004	Robert McCarthy	200309015-I	9782
22879	7590	01/11/2007	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			DAVIS, DAVID DONALD	
		ART UNIT	PAPER NUMBER	
		2627		
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/764,842	MCCARTHY, ROBERT	
	Examiner	Art Unit	
	David D. Davis	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10/27/06.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 6 and 8-15 is/are allowed.
- 6) Claim(s) 1-5 and 7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jungwirth (US 4,987,334). As per claims 1 and 7, figure 2 of Jungwirth shows an actuator including a stationary guide 18; a carriage 12 movable along the guide 18; and a piezoelectric motor, as disclosed in column 2, line 41-50, operatively coupled to the carriage 12 and pushing on the guide 18 such that the motor when energized moves with the carriage 12 along the guide 18. As per claim 2, Jungwirth discloses the motor including a base 20 and a beam of piezoelectric material 22 attached to the base 20. The base 20 of the motor connected to the carriage 12 and a free end of the beam pushing on the guide 18. As per claim 3, figure 2 of Jungwirth shows the motor is attached to the carriage 12. As per claim 4, figure 2 shows the motor is biased against the guide 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jungwirth (US 4,987,334). Jungwirth discloses the claimed invention see description supra. Jungwirth, however, is silent as to a spring between the carriage and the motor.

Official notice is taken of the fact that springs are notoriously old and well known in the head carriage guide art.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the carriage and the guide of Jungwirth with a spring as taught in the art. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a spring between a carriage and a motor, which is well within the purview of a skilled artisan and absent an unobvious result, so as to provide an arrangement effective and optimal to guide and bias the carriage.

Response to Arguments

5. Applicant's arguments filed October 27, 2006 have been fully considered but they are not persuasive. A "carriage" is defined as *a movable part, as of a machine, designed for carrying something* according to Random House Unabridged Dictionary. Yet, Applicant asserts in paragraph 5 on page 7, "Element 12 in Jungwirth is a body for a ring laser gyroscope (RLG), not a carriage". Applicant's assertion is better stated as "element 12 in Jungwirth is a body **designed for carrying** a ring laser gyroscope (RLG), in other words a carriage."

Applicant also asserts "Oscillating about an axis it not 'moving along' a guide". Also according to the Random House Unabridged Dictionary "oscillating" is defined as *to cause to*

move to and fro. “Oscillating about the dither axis” does not mean that carriage 12 does not move along guide, support or post 18, as suggested by applicant.

Applicant additionally asserts “Nowhere does Jungwirth state or suggest that pole element 22 pushes on the post 18.” Figure 2a of Jungwirth shows that which the claims require - piezoelectric element 22 pushing on guide 18. Other than applicant’s conclusionary statement, there is no suggest that Jungwirth does not push on guide 18.

Allowable Subject Matter

6. Claims 6 and 8-15 are allowed.

Conclusion

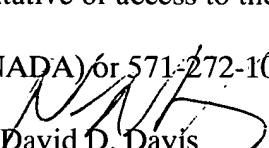
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David D. Davis
Primary Examiner
Art Unit 2627

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